



2-12-04
RECEIVED

FEB 17 2004

OFFICE OF PETITIONS

#24
DAC
PATENT

Attorney Docket No. P1308USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Todd A. Kuiken

Art Unit: 3738

Application No.: 09/558,570

Examiner: Bruce E. Snow

Filed: April 26, 2000

For: HIGH PROFILE MULTIAXIAL
PROSTHETIC FOOT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 C.F.R. § 1.137(b)**

Sir:

On February 5, 2004, the undersigned attorney received a Notice of Abandonment dated January 30, 2004, for the above-reference application. The Notice of Abandonment indicated that no reply had been received in response to the Office Action dated 10 June 2003.

Included with this petition is a copy of the Response to Final Office Action that was filed on August 14, 2003 (Exhibit 1). This response was faxed to the Patent Office, Attention: Examiner Bruce Snow. A copy of the confirmation of transmittal is included with Exhibit 1. The response was faxed to 703-746-3362, the same fax number that had been used to fax a proposed claim amendment to the Examiner on July 29, 2003 (Exhibit 2); a proposal that was successfully received by the Examiner.

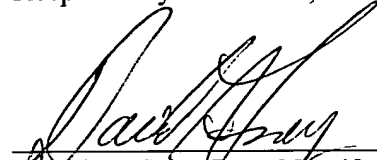
Following the Examiner's receipt of the proposed claim amendment, the Examiner and the undersigned attorney had a telephone interview on August 11, 2003, to determine if an agreement could be reached with respect to the amended language. During this interview, the Examiner suggested that the Applicant describe the way the connector rotates relative to the

In re Appln. of Todd A K...
Application No. 09/558,570
Petition to Revive for Unintentional Abandonment

horizontal leg instead of rotating about an axis of the leg. (See Interview Summary dated August 13, 2003, attached hereto as Exhibit 3). As a result of the interview, Applicant faxed to the Examiner a proper response to the June 10, 2003 Office Action on August 14, 2003. For this reason, the Applicant believes that a proper response was timely filed and that any abandonment of the application was unintentional.

Because the Applicant believes that his response was filed in a proper and timely manner he does not believe he should be charged for this petition. If, however, the Commissioner believes a charge is warranted, he is asked to charge the fee to Deposit Account 07-0181. A duplicate copy of this Petition is enclosed herewith.

Respectfully submitted,



David A. Frey, Reg. No. 43,618
One of the Attorneys for the Applicant(s)
GARDNER CARTON & DOUGLAS, LLP
191 N. Wacker Drive, Suite 3700
Chicago, IL 60606
Phone: 312-569-1478
Fax: 312-569-3478

Date: February 11, 2004

Certification under 37 C.F.R. § 1.10 (if applicable)

EU905098099US

February 11, 2004

Express Mail mailing number

Date of Deposit

I hereby certify that the attached Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b), including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Carlos Coronado
(Typed or printed name of person making deposit)


(Signature of person making deposit)

CH02/22292883.1



RECEIVED

FEB 17 2004

OFFICE OF PETITIONS

**EXPRESS MAILING CERTIFICATE
UNDER 37 CFR § 1.10**

Date of Deposit: February 11, 2004

"Express Mail" Mailing Number: EU905098099US

I hereby certify that the attached Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137 (b), including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450.**

Title: High Profile Multiaxial Prosthetic Foot

Inventor(s): Todd A. Kuiken

Application No.: 09/558,570

Filed: April 26, 2000

Enclosed:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (2 pgs.) and duplicate thereof (2 pgs.)
2. Exhibit 1 – copy of the Response to Final Office Action that was filed on August 14, 2003 (8 pgs.); a copy of the facsimile transmission confirmation (1 pg.)
3. Exhibit 2 – copy of a proposed claim amendment faxed to the Examiner on July 29, 2003 (7 pgs.); a copy of the facsimile transmission confirmation (1 pg.)
4. Exhibit 3 – a copy of the Interview Summary dated August 13, 2003 (2 pgs.)
5. Return postcard

Carlos Coronado

(Typed or printed name of person making deposit)

(Signature of person making deposit)

Attorney Docket No. **P1308US**
Client No. 029340/0047